

**DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT**

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August 30, 2006

Mr. Nick St. Angelo, Director  
Division of Energy Assistance  
Office of Community Services/ACF/HHS  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Dear Mr. St. Angelo:

Enclosed is the State of California's Low-income Home Energy Assistance Program (LIHEAP) Detailed State Plan Application for Federal Fiscal Year 2007 and the LIHEAP Estimated Household Report for Federal Fiscal Year 2006.

Pursuant to Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended, I certify that the Department of Community Services and Development (CSD) will comply with the sixteen federal assurances. Enclosed is the delegation letter which was signed by Governor Arnold Schwarzenegger authorizing Timothy Dayonot, CSD Director, and his successor, for purposes of submitting the LIHEAP State Plan Application. Recently I was appointed Director for CSD, and as Mr. Dayonot's successor, am submitting the 2007 LIHEAP Detailed State Plan Application for your approval. Please note that an updated delegation letter has been requested from the Governor's office and CSD anticipates that the delegation letter will be received shortly. In the interim, enclosed is a copy of an email received from the Governor's office indicating that approval has been granted.

On August 29, 2006, CSD conducted a public hearing on the proposed LIHEAP Detailed State Plan Application, as required by federal law. No public comments were received.

Sincerely,

**ORIGINAL SIGNED BY**

LLOYD THRONE  
Director

Enclosures

**State of California  
Health and Human Services Agency  
Department of Community Services and Development**

**LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)  
STATE PLAN APPLICATION**

**DETAILED MODEL PLAN  
FISCAL YEAR (FY) 2007  
October 1, 2006 – September 30, 2007**

**Submitted to:  
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
OFFICE OF COMMUNITY SERVICES  
WASHINGTON, DC 20447**

**ARNOLD SCHWARZENEGGER  
Governor**

**FRED AGUIAR  
Cabinet Secretary, Governor's Office**

**KIMBERLY BELSHÉ  
Secretary, California Health and Human Services Agency**

**LLOYD THRONE  
Director, Department of Community Services and Development**

**ATTACHMENT 3**

**LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

**DETAILED MODEL PLAN**

**PUBLIC LAW 97-35, AS AMENDED**

**FISCAL YEAR (FY) 2007**

**GRANTEE: State of California, Department of Community Services and Development**

**EIN: 1-94-6001347-K4**

**ADDRESS: 700 North 10<sup>th</sup> Street, Room 258**

**Sacramento, CA 95814**

**NAME OF LIHEAP COORDINATOR: Lloyd Throne**

**EMAIL: LThrone@csd.ca.gov**

**TELEPHONE: (916) 341-4230 FAX: (916) 327-3153**

**PLEASE CHECK ONE: TRIBE  STATE  INSULAR AREA**

**Department of Health and Human Services  
Administration for Children and Families  
Office of Community Services  
Washington, DC 20447**

**August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01**

**OMB Approval No. 0970-0075**

**Expiration Date: 10/31/2008**

**THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)**

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The : **Department of Community Services and Development** agrees to:

(grantee name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) \* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

**\* This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.\* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.\*\*

Signature ORIGINAL SIGNED BY LLOYD THRONE

Title: \_\_\_\_\_ **Director** \_\_\_\_\_

Date: ORIGINAL DATED August 30, 2006

**\* Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**\*\* If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

**\*\*\* HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

statutory  
references

2605(a)

2605(b)(1) → Please check which components you will operate under the LIHEAP program: (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

(use of funds)		<u>Dates of Operation</u>
	<u>X</u> heating assistance	<u>January through December</u>
	<u>X</u> cooling assistance	<u>January through December</u>
	<u>X</u> crisis assistance	<u>January through December</u>
	<u>X</u> weatherization assistance	<u>January through December</u>

2605(c)(1)(C) → Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

(use of funds)

\*\*16.19 % heating assistance

\*\*16.19 % cooling assistance

\*32.54 % crisis assistance (10% reserved until March 15<sup>th</sup>)

2605(k)(1) 15 % weatherization assistance (waiver to increase to 25% after March 31<sup>st</sup>)

10 % carryover to the following fiscal year

2605(b)(9) 5 % administrative and planning costs

2605(b)(16) 5 % services to reduce home energy needs including needs assessment (Assurance 16 is up to 5 percent)

.08 % used to develop and implement leveraging activities (limited to the greater of 0.08% or \$35,000 for States, the greater of 2% or \$100 for territories, tribes and tribal organizations).

100% **TOTAL**

\*Government Code Section 16367.5 (State Senate Bill 558) provided the implementation of the local planning process which determines the percentage ("reasonable amount") to be allocated for crisis assistance.

\*\*The remainder of the federal allocation will be used for the heating and cooling component (HEAP).

statutory references

2605(c)(1)(C) assistance funds) →The funds reserved for winter crisis assistance (alternate which have not been expended by March 15 will be use for crisis reprogrammed to:

- heating assistance
- cooling assistance
- weatherization assistance (if waiver is approved)
- \_\_\_\_\_ Other(specify):

→Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes  No \_\_\_\_\_

2605(b)(2) →What are your maximum eligibility limits?  
2605(c)(1)(A) (Please check the components to which they apply)

**Current year guidelines must be used.**

- (eligibility)
- \_\_\_\_\_ 150% of the poverty guidelines:  
heating \_\_\_\_\_ cooling \_\_\_\_\_ crisis \_\_\_\_\_ wx \_\_\_\_\_
  - \_\_\_\_\_ 125% of the poverty guidelines:  
heating \_\_\_\_\_ cooling \_\_\_\_\_ crisis \_\_\_\_\_ wx \_\_\_\_\_
  - \_\_\_\_\_ 110% of the poverty guidelines:  
heating \_\_\_\_\_ cooling \_\_\_\_\_ crisis \_\_\_\_\_ wx \_\_\_\_\_
  - 60% of the State's median income:  
heating  cooling  crisis  wx
  - \_\_\_\_\_ Other (specify for each component)

\_\_\_\_\_ Households automatically eligible if one person is receiving \_\_\_\_\_ TANF, \_\_\_\_\_ SSI, \_\_\_\_\_ Food Stamps, \_\_\_\_\_ Certain means-tested veterans programs (heating \_\_\_\_\_ cooling \_\_\_\_\_ crisis \_\_\_\_\_ wx \_\_\_\_\_)

statutory  
references

2605(c)(1)(A)  
2605(b)(2)  
(eligibility)

→Do you have additional eligibility requirements  
for: **HEATING ASSISTANCE** \_\_\_\_\_ Yes X \_\_\_\_\_ No)

→Do you use: Yes   No

Assets test? \_\_\_\_\_ X \_\_\_\_\_

→Do you give priority in eligibility to:

Elderly? X \_\_\_\_\_

Disabled? X \_\_\_\_\_

Young children? X \_\_\_\_\_

Other: X \_\_\_\_\_  
(If Yes, please describe)

Service Providers are required to submit a priority plan as an attachment to the contract. The priority plans consist of three types of categories: Energy Burden, Vulnerable Population, and Agency Defined. Providers assign prioritization points for energy burden, vulnerable populations, and agency defined categories, such as life-threatening emergencies. Priority is established by determining the energy needs of the client: calculating the energy burden for the household and determining and giving priority to the presence of vulnerable populations, such as elderly persons (60 years and older), disabled, and young children (ages 5 years or under). Providers may prioritize services to households whose members have life-threatening emergencies.

statutory  
references

2605(c)(1)(A)  
2605(b)(2)

→Do you have additional eligibility requirements  
for: **COOLING ASSISTANCE** (  Yes  No)

(eligibility)

→Do you use: Yes   No

Assets test?   

→Do you give priority in eligibility to:

Elderly?   

Disabled?   

Young children?   

Other:      
(If Yes, please describe)

Service Providers are required to submit a priority plan as an attachment to the contract. The priority plans consist of three types of categories: Energy Burden, Vulnerable Population, and Agency Defined. Providers assign prioritization points for energy burden, vulnerable populations, and agency defined categories, such as life-threatening emergencies. Priority is established by determining the energy needs of the client: calculating the energy burden for the household and determining and giving priority to the presence of vulnerable populations, such as elderly persons (60 years and older), disabled, and young children (ages 5 years or under). Providers may prioritize services to households whose members have life-threatening emergencies.

statutory  
references

2604(c)  
2605(c)(1)(A)

→Do you have additional eligibility requirements for: **CRISIS ASSISTANCE** ( \_\_\_ Yes X No)

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use:		
Assets test?	_____	<u>X</u> _____
Must the household have received a shut-off notice or have an empty tank?	_____	<u>X</u> _____
Must the household have exhausted regular benefit?	_____	<u>X</u> _____
Must the household have received a rent eviction notice?	_____	<u>X</u> _____
Must heating/cooling be medically necessary?	_____	<u>X</u> _____
Other (Please explain):	_____	<u>X</u> _____

Service Providers are required to submit a priority plan as an attachment to the contract. The priority plans consist of three types of categories: Energy Burden, Vulnerable Population, and Agency Defined. Providers assign prioritization points for energy burden, vulnerable populations, and agency defined categories, such as life-threatening emergencies. Priority is established by determining the energy needs of the client: calculating the energy burden for the household and determining and giving priority to the presence of vulnerable populations, such as elderly persons (60 years and older), disabled, and young children (ages 5 years or under). Providers may prioritize services to households whose members have life-threatening emergencies.

→What constitutes a crisis? (Please describe)

CSD will use the federal definition of a crisis to operate the Crisis Program which is "weather-related and supply shortage emergencies and other household energy related emergencies".

statutory  
references

2605(c)(1)(A)

→Do you have additional eligibility requirements for:  
**WEATHERIZATION** (\_\_\_ Yes \_\_\_X\_\_\_ No)

(eligibility)

→Do you use: Yes No

Assets test? \_\_\_\_\_ X\_\_\_\_\_

Priority groups? (Please list) X\_\_\_\_\_ \_\_\_\_\_

Service Providers are required to submit a priority plan, in a narrative format, as an attachment to the contract. Priority is established by determining the energy needs of the client: calculating the energy burden for the household and determining and giving priority to the presence of vulnerable populations, such as elderly persons (60 years and older), disabled, and young children (ages 5 years or under). Providers may prioritize services to households whose members have life-threatening emergencies.

→Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics? \_\_\_\_\_ X\_\_\_\_\_

→If Yes, are there exceptions? \_\_\_\_\_ \_\_\_\_\_  
Please list below.

statutory  
references

2605(b)(3)  
2605(c)(3)(A)  
  
(outreach)

➔ Please check the outreach activities that you conduct that are designed to assure that eligible households are made award of all LIHEAP assistance available:

X provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

X place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

X publish articles in local newspapers or broadcast media announcements.

X include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

X make mass mailing to past recipients of LIHEAP.

X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

X execute interagency agreements with other low-income program offices to perform outreach to target groups.

X other (Please specify):

- ❖ Public/private partnerships with utility companies,
- ❖ Outreach to: legislative offices, community organizations, and attendance to community outreach events,
- ❖ Referrals to CSD's programs from child care centers,
- ❖ Pamphlets,
- ❖ Toll-free telephone line,
- ❖ Include inserts with Temporary Assistance for Needy Families (TANF) checks/mailings,
- ❖ CSD's website, and
- ❖ Contractor's website.

statutory  
references

2605(b)(4)

→ Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

CSD and service providers coordinate activities with similar and related programs administered by the federal, state, and the public and private sector, particularly low-income, energy conservation related programs. Service Providers refer potentially eligible applicants, including heating and cooling, and crisis applicants, to the weatherization program, California Alternate Rate for Energy (CARE), Reduced Rate Programs (RRP), and/or to other energy or conservation programs. This is accomplished through interagency agreements, communications with pertinent agencies, one-stop centers, utility companies, and public/private partnerships. Service providers provide assistance in coordinating the payment of client's energy/utility bill with the appropriate energy vendor or utility company.

2605(b)(5)

2605(b)(2)

2605(b)(8A)

→ The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit  
levels)

CSD ensures, through contractual service providers, that all available funds are utilized to equally assist households to meet the cost of home energy. Program eligibility is based upon a household's total monthly income, regardless of whether the household is receiving TANF, Food Stamps, SSI or Veterans Benefits. Benefit amounts are based on the number of persons in the household, total income and the cost of energy within the county where the household is located.

statutory  
references

**HEATING COMPONENT**

2605(b)(5) → Please check the variables you use to determine your benefit levels (check all that apply):

(determination  
of benefits)

- income
- family (household) size
- home energy cost or need
  - fuel type
  - climate/region
  - individual bill
  - dwelling type
  - energy burden  
(% of income spent on home energy)
  - energy need
  - other (describe)

An Individual Utility Company Rate Survey is conducted which requests all utility companies to provide residential energy usage and cost data for each county that they provide gas and/or electricity services. This information is used to establish average county utility costs, and is factored into the heating and cooling benefit formula to determine benefit levels.

2605(b)(5)  
2605(c)(1)(B) → Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size  
(benefit levels) Please describe benefit levels or attach a copy of your payment matrix.

Energy burden, energy need, and vulnerable populations, are used to determine who receives a payment. Benefit levels are determined by the heating and cooling benefit formula. Revised annually, this formula determines the amount of payment to each household. The amount is based on the number of persons in the households, total household's gross monthly income, and the climatic region (cost of energy).

Benefit levels are determined using a formula, which takes into consideration factors that include the household's size, the household's gross monthly income and energy costs within the county of residence. The formula evaluates the household's income in relation to the Federal

Poverty Guidelines, as published by the Department of Health and Human Services. This evaluation of client income combined with other formula factors and considerations (i.e., energy cost) enables the CSD to establish benefits that are both proportionate to need and income level. As a result, benefits are established and structured with the highest possible benefit assigned to the poverty groups representing below and slightly above poverty.

In addition, service providers are discouraged from making payments to households with the following situations:

- 1) Households with an energy burden of five percent (5%) or less.
- 2) Households with substantial credit(s) on their utility bills.

→ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

     Yes X No If Yes, please describe.

statutory  
references

2605(b)(5)  
2605(c)(1)(B)  
2605(b)(5)

**COOLING COMPONENT**

→ Please check the variables you use to determine your benefit levels (check all that apply):

(determination  
of benefits)

- X income
- X family (household) size
- X home energy cost or need
  - fuel type
  - X climate/region
  - X individual bill
  - dwelling type
  - X energy burden  
(% of income spent on home energy)
  - X energy need
  - X other (describe)

An Individual Utility Company Rate Survey is conducted which requests all utility companies to provide residential energy usage and cost data for each county that they provide gas and/or electricity services. This information is used to establish average county utility costs, and is factored into the heating and cooling benefit formula to determine benefit levels.

2605(b)(5)  
2605(c)(1)(B)  
  
(benefit  
levels)

→ Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size  
Please describe benefit levels or attach a copy of your payment matrix.

Energy burden, energy need, and vulnerable populations, are used to determine who receives a payment. Benefit levels are determined by the HEAP benefit formula. Revised annually, this formula determines the amount of payment to each household. The amount is based on the number of persons in the households, total household's gross monthly income, and the climatic region (cost of energy).

Benefit levels are determined using a formula, which takes into consideration factors that include the household's size, the household's gross monthly income and energy costs within the county of residence. The formula evaluates the household's income in relation to the Federal

Poverty Guidelines, as published by the Department of Health and Human Services. This evaluation of client income combined with other formula factors and considerations (i.e., energy cost) enables the department to establish benefits that are both proportionate to need and income level. As a result, benefits are established and structured with the highest possible benefit assigned to the poverty groups representing below and slightly above poverty.

In addition, service providers are discouraged from making payments to households with the following situations:

- 1) Households with an energy burden of five percent (5%) or less.
- 2) Households with substantial credit(s) on their utility bills.

→ Do you provide in-kind (e.g. fans) and/or other forms of benefits?

Yes  No If yes, please describe.

statutory  
references

2605(b)(5)  
2605(c)(1)(B)  
(benefit  
determination

**CRISIS COMPONENT**

→How do you handle crisis situations?

X \_\_\_\_\_ separate component \_\_\_\_\_ other (please explain)

→If you have a separate component, how do you determine crisis assistance benefits?

\_\_\_\_\_ amount to resolve crisis, up to maximum

X \_\_\_\_\_ other (please describe)

The Crisis Program is limited to three activities:

- (1) fast track (electric and gas) utility payments,
- (2) wood, propane and oil (WPO) payments, and
- (3) heating and cooling services (HCS).

Fast track (electric and gas) and WPO activities are mandatory only until March 15<sup>th</sup>, of the program year, but HCS activities are optional on a year-round basis. After March 15<sup>th</sup>, service providers have the option of continuing the fast track (electric and gas) and/or WPO activities, depending on local needs.

Intake for fast track (electric and gas) payments for utility activities is decentralized; however, payments continue to be centrally processed. Funding for WPO and HCS activities are included in the contracts. Additionally, through the local planning process, service providers are required to submit proposed funding levels specifically targeted for crisis assistance to eligible households, and the duration planned, for each of the three crisis activities.

Service providers have the ability to increase the fast track base amount by adding a supplemental benefit. Under the fast track supplemental benefit the total amount of the fast track payment cannot exceed the total amount of the entire utility bill (to include energy charges, reconnection fees, and

(benefit levels)

other assessed utility fees/surcharges to alleviate the crisis situation) or \$1,000 which ever is less.

→ Please indicate the maximum benefit for each type of crisis assistance offered.

\* Maximum benefits for fast track (electric and gas) payments range from \$161 to \$501, or up to the \$1,000 fast track supplemental benefit amount, depending on the clients' needs.

heating \$ \_\_\_\_ \* \_\_\_\_ maximum benefit

cooling \$ \_\_\_\_ \* \_\_\_\_ maximum benefit

year-round \$ \_\_\_\_ \* \_\_\_\_ maximum benefit

→ Do you provide for in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

Yes  No If yes, please describe.

In the event of a weather-related or supply shortage emergency or other household energy-related emergencies, in-kind benefits (e.g. sleeping bags, socks, blankets, earthquake emergency kits) will be used to enhance crisis assistance.

statutory references

2605(b)(5)  
2605(c)(1)  
(B) & (D)

**WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS**

→ What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)

(types of assistance)

- Weatherization needs assessments/audits.
- Caulking, insulation, storm windows, etc.
- Furnace/heating system modifications/repairs/replacement
- Furnace replacement
- Cooling efficiency mods/repairs/replacement
- Other (Please describe)

- ❖ Nonblower door assessments
- ❖ General Heat Waste and Safety Assessment:
  - Combustion appliances safety check
  - Blower door test
  - Duct leakage test
- ❖ Health or safety hazard repair/replacement
  - Carbon monoxide alarm

- Gas Cooking Appliance repair/replacement
- Gas Water Heater repair/replacement
- ❖ Ceiling Insulation
- ❖ Window Replacement
- ❖ Sliding Glass Door repair/replacement
- ❖ Duct /Register Repair/Replacement
- ❖ Lead safe conditions
- ❖ Microwave Oven
- ❖ Thermostat
- ❖ Electric Base Load Measures
  - Refrigerator Replacement
  - Electric water heater repair/replacement
  - Microwave oven
  - Compact Fluorescent lamps
  - Fluorescent torchiere lamp replacement
  - Evaporative cooler installation
  - Window/wall air conditioner repair/replacement

(benefit levels)

➔ Do you have a maximum LIHEAP weatherization benefit/expenditure per household? X Yes \_\_\_\_\_ No

If Yes, what is the maximum amount? \$See below\_\_\_\_\_

The LIHEAP contract maximum average reimbursement limit per dwelling is \$2,826 for allowable measures and activities. The maximum average reimbursement amount is increased to \$3,250 in the event a State of Emergency or Local Emergency is declared by the Governor under Article 13 or 14 of the Emergency Services Act.

In dwelling units in which the heating unit must be repaired/replaced, no more than a maximum average reimbursement of \$4,316 can be expended per dwelling unit. This limitation includes all weatherization measures installed.

➔ Under what rules do you administer LIHEAP weatherization? (Check only one.)

(types of rules)

\_\_\_\_\_ Entirely under LIHEAP (not DOE) rules

\_\_\_\_\_ Entirely under DOE LIWAP rules

X \_\_\_\_\_ Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):

X \_\_\_\_\_ Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within

180 days

         Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).

         Other (Please describe)

         Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)

         Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.

         Other (Please describe.)

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

         county welfare offices

community action agencies (weatherization component only)

community action agencies (heating, cooling or crisis

charitable organizations

         not applicable (i.e. state energy office)

         tribal office

other, describe:

Community Based Organizations

➔ Have you changed local administering agencies from last year?

         Yes  No

If Yes, please describe how you selected them.

(agency designation)

➔ What components are affected by the change? N/A

2605(c)(1)(E)

➔ Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. (This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)

(targeting of assistance)

CSD utilizes the strengths of our network of service providers and their ability to provide assistance on a one-to-one basis to overcome language barriers, address issues of cultural diversity, and to target the most needy clients in their communities through effective outreach. Service providers are able to proactively address the energy needs of low-income households by conducting a thorough energy needs assessment of each client,

providing budget counseling and energy conservation education, and interacting with the client’s utility company to establish co-payment or annualized payment plans. Whenever possible, weatherization services are provided which represent a preventive, holistic and long-term solution to energy needs.

statutory references

2605(b)(7)  
(energy suppliers)

➔Do you make payments directly to home energy suppliers?

Heating        X   yes      \_\_\_\_\_ no

Cooling        X   yes      \_\_\_\_\_ no

Crisis        X   yes      \_\_\_\_\_ no

If yes, are there exceptions?   X   Yes      \_\_\_\_\_ no  
If yes, please describe.

For heating and cooling, and crisis, in most cases, direct payments are issued to home energy suppliers. Dual party warrants are occasionally used and are made payable to the client and the designated energy supplier. Single party warrants are used only for those clients whose utilities are included in the rent, or, sub metered. For those heating and cooling, and crisis clients whose energy source is WPO, service providers make payments directly to energy vendors on behalf of the client.

2605(b)(7)(A)

➔If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

Service providers advise a recipient household in writing when payments are made directly to an energy vendor for WPO on their behalf. The letter advises the client of the date, and of the LIHEAP payment amount for WPO. Service providers keep the information on file.

When a crisis, and/or heating and cooling payment has been made directly to an energy vendor. The energy utility company (1) shows the amount of credit with a LIHEAP payment identifier next to the amount directly on the customer's bill, and/or (2) sends a letter advising the client of the LIHEAP payment. The notification process of LIHEAP payments is reviewed during program evaluation visits made by CSD staff.

2605(b)(7)  
(B) & (C)

➔How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

For heating and cooling, the energy utility company identifies (1) directly on the customer's bill, the amount of credit along with a LIHEAP payment identifier next to the amount, and/or (2) sends a letter advising the client of the LIHEAP payment.

For crisis:

- a. Regulated utilities are audited by the Public Utilities Commission (PUC) to ensure that proper billing procedures are in place and the amount of payments or credits are accurate. In addition, no modification of energy rates can occur without a public regulatory process, which is administered by the PUC.
- b. Non-regulated utilities/delivered-fuel vendors:
  - 1. Service providers utilize a "confirmation of payment" form whereby the utility company records the pertinent information for each client's account that was credited. Such information includes the date and the amount credited. For fast track (electric and gas), the utility company returns payment information to CSD.
  - 2. Service providers are required to have each home energy supplier sign an assurance agreeing to the requirements of this section. Service providers keep this information on file and clients are advised of their right to fair and equal treatment at the time of service. CSD staff ensures compliance with this provision during program evaluation visits.
  - 3. Service providers verify, before paying energy suppliers for all types of delivered fuels, that the charges for the services and goods provided are reasonable and within fair-market value. The amounts of these charges are reviewed during program evaluation visits made by CSD staff.

statutory references

2605(b)(8)(B)

➔Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners and renters)

**HEATING ASSISTANCE**

\_\_\_\_\_ Yes X No

**COOLING ASSISTANCE**

\_\_\_\_\_ Yes X \_\_\_\_\_ No

**CRISIS ASSISTANCE**

\_\_\_\_\_ Yes X \_\_\_\_\_ No

**WEATHERIZATION**

X \_\_\_\_\_ Yes \_\_\_\_\_ No

Service providers are contractually required to assure that owners and renters receive equitable treatment under the weatherization program. Service providers obtain written permission from the owner of a rental unit, or his/her agent, prior to performing any weatherization services. Such permission is recorded as a service agent agreement for rental units and is kept on file for a period of two years after weatherization work has been completed. On dwellings containing a unit occupied by an eligible household, the tenants in that unit (including households paying for their energy through their rent) are not to be subjected to rent increases unless those increases are demonstrably related to matters other than the weatherization work performed.

Tenants are given a written summary of these conditions along with instructions on how to file a complaint should these conditions not be met. Service providers investigate all complaints filed, and forwards a copy of all written complaints to CSD. If the complaint is a verbal complaint, service providers contact CSD with the details of the complaint (date made, date investigations began, and results). Should a complaint be found valid, service providers obtain the amount equal to the weatherization work performed on that unit from the landlord and, if previously reimbursed from CSD, remit that amount to CSD along with details of the investigation.

2605(b)(10)

➔How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

(program, fiscal monitoring, and audit)

CSD maintains fiscal controls and accounting practices in accordance with the California Uniform Accounting System. The financial management system maintains financial data and accounting records supported by source documentation for all federal funds administered. CSD's internal control structure conforms to state and federal procedures. See below for additional information.

→How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

Service providers are contractually required to submit monthly programmatic and expenditure reports to CSD. The data is entered into an automated database management system, which calculates and verifies compliance in several areas. For example, one key area checks whether the amount spent on administration is within an allowable percentage. The reports and data are reviewed by CSD's staff for mathematical accuracy, and to ensure contractual compliance. Status reports are printed regularly for use by CSD staff. Issues needing clarification and areas of concern are more readily identified with the automated system that, in turn, allows for a more timely resolution with contractors.

Annually, Field Operations' analysts complete a desk review guide on each of the LIHEAP service providers. The review focuses on compliance with federal and state laws and regulations. If the desk review identifies contractual issues, which may be resolved without an on-site visit, service providers are contacted by telephone, email and/or mail. If the issues cannot be resolved by telephone, email and/or mail, an on-site visit is conducted, no less than every other year. On-site visits are conducted with each service provider. Service providers who are not visited on-site during any given year, are contacted by telephone, which is then followed up with a desk review report. Within 30 days of the completed on-site visit, an on-site monitoring report is prepared and sent to the service provider. The reports cover any findings identified during the review process and makes recommendations, if necessary, for improvement of their LIHEAP Program. Analysts follow up on any reviews requiring a corrective action plan.

→How is your LIHEAP program audited?

Under the Single Audit Act?  Yes  No

If not, please describe:

For States and Territories:

→Is there an annual audit of local administering agencies?  Yes  No

If not, please explain.

Funds provided to the service providers are included in agency-wide audits submitted by independent CPAs. CSD reviews the audit reports for

compliance and financial issues. The audits are conducted in accordance with the requirements contained in the applicable Office of Management and Budget (OMB) Circulars, as well as other pertinent federal and state guidelines. Audit reports submitted by service providers are required to identify funds received and expended for CSD programs by CSD contract number and program component, when applicable. Private, nonprofit entities submit the required reports within six months of the end of their fiscal years. Local government entities submit their reports through their cognizant agency, to the State Controller's Office, within 30 calendar days after the completion of the audit but no later than nine months after the end of the audit period.

Databases are maintained by CSD to ensure that all CSD contracts are included in the required audit reports and all audit findings are resolved.

statutory  
references

2605(b)(12)

➔How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

(timely and  
meaningful public participation

On July 28, 2006, advance notification was faxed to all LIHEAP service providers advising them of CSD's intent to post on the CSD website on or before July 31, 2006; 1) the draft 2007 Detailed LIHEAP Model Plan Application and, 2) the accompanying cover letter announcing the date, time, and location of the public hearing. Service providers were encouraged to participate in the submittal of the annual LIHEAP state plan, and were given at least 30 days to review and offer comments prior to the submittal of the state plan application to the U.S. Department of Health and Human Services.

The state plan application posted on the CSD website was available for download at the local level, and upon request, a copy was emailed to all individuals requesting a copy of the document. Public notices were published in several newspapers in the north, central, and southern parts of the state. Publication of these notices was posted at least ten days before the August 29, 2006 public hearing date. The public was given at least 30 days to review and offer comments before the public hearing.

2605(a)(2)

➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?

Yes  No When and where?

**(Not required for Tribes and tribal organizations)**

(public hearings)

A public hearing was held on August 29, 2006 at the Department of Community Services and Development (CSD), 700 North Tenth Street, Bado Conference Room, Sacramento, CA 95814. No comments were

received from the LIHEAP Service Providers, nor were any comments received from the public, as noted on ATTACHMENT ONE.

statutory  
references

2605(b)(13)

➔ Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair  
hearings)

Service providers provide all interested individuals equal opportunity to apply for LIHEAP programs, and may not discourage any interested individual from submitting an application for LIHEAP assistance. Service providers act upon all applications in writing within fifteen (15) working days.

Pursuant to Title 22 of the California Code of Regulations, Section 100805, service providers are required to establish a written appeals process to enable applicants who are denied benefits or services, or who receive untimely response or unsatisfactory performance, the right to appeal the decision or performance to the Contractor. The process must include, at a minimum, all of the requirements of Section 100805 subdivision (b), plus:

- A. Provisions that ensure that each applicant is notified in writing of the right to appeal a denial of or untimely response to an application, or to appeal unsatisfactory performance, and the process to request such an appeal, at the time that each applicant submits an application. Such notification shall include information about the right to appeal to both the Contractor and to CSD.
- B. Provisions that ensure that service providers will make a good faith effort to resolve each appeal.
- C. Provisions that ensure that service providers notify the applicant in writing of the service providers final decision within fifteen (15) working days after the appeal is requested. If the appeal is denied, the written notification must include instructions on how to appeal the decision to CSD. Whenever service providers notify an applicant of a denial of an appeal, service providers simultaneously provide a copy of the final decision CSD.

- D. Provisions to enable service providers collate information on denials and appeals in its regular program reporting.

→ Denials

Service providers inform, at the time of intake, all applicants of their right to appeal all claims for assistance that are denied or are not acted upon with reasonable promptness.

- A. Service providers review all claims from applicants who are determined ineligible for benefits or who have submitted written notice that there has been an unreasonable delay in processing their application or receiving their benefits.
- B. Service providers conduct a structured, fair, and impartial meeting within five (5) working days of the initial request for appeal and are required to make a good faith effort to resolve the applicant's complaint(s) at the local level. The service provider, as contractor, makes a written finding which sets forth the case of both parties and the decision of the service provider.
- C. If the appeal is not resolved at the local level, service providers inform the applicant that an appeal to the State agency (CSD) may be requested as part of the Fair Hearing process and shall provide the applicant with the appropriate form.
- D. If the applicant decides to appeal to CSD, the applicant submits a written appeal request to be received by CSD within ten (10) days from the date of the contracted service provider's final decision. Upon request from CSD, service providers provide all supportive documentation to be received by the State within five (5) working days.
- E. Within ten (10) working days of receipt of the requested documentation from the contracted service provider, CSD staff reviews the appeal and supportive documentation, confers with the appellant and the contracted service provider if necessary, and notifies the appellant and contractor of the decision in writing.

The applicant may withdraw the appeal at any time.

If an applicant decides to withdraw an appeal, he or she may write or call the service provider or CSD depending on the location of the appeal. Should the applicant call to withdraw the appeal, CSD or the service provider documents the action and sends a copy as letter of verification, to the applicant.

If the applicant submits a written statement of withdrawal, CSD, or the service provider keeps a written date of receipt and a copy of the statement as part of the closed file.

→ Applications Not Acted On In a Timely Manner

Service providers informs, at the time of intake, all applicants of their right to appeal all claims for assistance that are denied or are not acted upon with reasonable promptness.

- A. Service providers review all claims from applicants who are determined ineligible for benefits or who have submitted written notice that there has been an unreasonable delay in processing their application or receiving their benefits.
- B. Service providers conduct a structured, fair, and impartial meeting within five (5) working days of the initial request for appeal and are required to make a good faith effort to resolve the applicant's complaint(s) at the local level. The service provider, as contractor, makes a written finding which sets forth the case of both parties and the decision of the service provider.
- C. If the appeal is not resolved at the local level, service providers informs the applicant that an appeal to the State agency (CSD) may be requested as part of the Fair Hearing process and shall provide the applicant with the appropriate form.
- D. If the applicant decides to appeal to CSD, the applicant submits a written appeal request to be received by CSD within ten (10) days from the date of the contracted service provider's final decision. Upon request from CSD, service providers provide all supportive documentation to be received by the State within five (5) working days.
- E. Within ten (10) working days of receipt of the requested documentation from the contracted service provider, CSD staff reviews the appeal and supportive documentation, confers with the appellant and the contracted service provider if necessary, and notifies the appellant and contractor of the decision in writing.

The applicant may withdraw the appeal at any time.

If an applicant decides to withdraw an appeal, he or she may write or call the service provider or CSD depending on the location of the appeal. Should the applicant call to withdraw the appeal, CSD or the service provider must document this action and send a copy as letter of verification, to the applicant.

If the applicant submits a written statement of withdrawal, CSD, or the service provider keeps a written date of receipt and a copy of the statement as part of the closed file.

statutory  
references

2605(b)(15)

**For States and Puerto Rico only** (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

➔ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate  
outreach  
and intake)

**HEATING ASSISTANCE**

\_\_\_\_\_ Yes  X  No

If yes, describe alternate process for outreach and intake:

**COOLING ASSISTANCE**

\_\_\_\_\_ Yes  X  No

If yes, describe alternate process for outreach and intake:

**CRISIS ASSISTANCE**

\_\_\_\_\_ Yes  X  No

If yes, describe alternate process for outreach and intake:

statutory  
references

2605(b)(16)

➔ Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

X  Yes \_\_\_\_\_ No

If yes, please describe these activities.

Service providers address the energy needs of low-income households by conducting a thorough energy needs assessment of each client, providing budget counseling, energy conservation education, and coordination with

utility companies. Whenever possible, weatherization services are also provided which will represent a preventive, holistic and long-term solution to energy needs.

Service providers maintain a source document that substantiates that the client was provided these services. The document is kept on file by the contractor and is reviewed during routine program evaluation visits made by CSD staff.

If yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

Up to five percent (5%) of the total block grant is allocated specifically for Assurance 16 activities and distributed by formula to the contractor network. CSD provides a budget form for contractors to account for Assurance 16 activities.

Service providers are contractually required to submit monthly expenditure and activity reports to CSD. These reports are monitored cumulatively to ensure that no more than five percent is spent on Assurance 16 activities. The data is entered into an automated database management system, which calculates and verifies compliance. Status reports are printed regularly for use by CSD staff. Issues needing clarification and areas of concern are more readily identified with the automated system that, in turn, allows for a more timely resolution with contractors.

Service providers are made aware of the five percent (5%) cap, and through the local planning process, have the flexibility to submit proposed funding levels up to the five percent (5%) cap, for activities specifically targeted for Assurance 16.

statutory  
references

2607A  
(leveraging)

→ Please describe leveraging activities planned for the fiscal year. (**This entry is optional.**\*) Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

**HEATING AND COOLING:**

**CALIFORNIA ALTERNATE RATE FOR ENERGY (CARE),  
HOME ENERGY ASSISTANCE PROGRAM (HEAP)**

In 1988, the State of California Senate Bill 987 was enacted which required the Public Utilities Commission (PUC) to establish a low-income assistance program for electric and gas customers. In compliance with this statute, the PUC established the Low-Income Ratepayers Assistance (LIRA) Program now called the California Alternate Rates for Energy (CARE) program to be administered by all regulated utilities in the State. This program provides a 15-30 percent discount on monthly energy costs of eligible low-income customers.

With the establishment of CARE, the Sierra Pacific Power Company (SPPCo), proposed and received approval from the PUC, to utilize CSD as an agent to verify eligibility for CARE in conjunction with HEAP.

CSD processes applications, verifies, and certifies that applicants are eligible for the reduced rate using the criteria established by the utility company at approximately 175% of the Federal Poverty Guidelines. CSD provides the utility company with weekly status reports and receives a listing from the company of all recipients who have changed addresses or otherwise discounted services.

The contract offers application processing, telephone services, and re-certification service to re-establish eligibility annually or biannually.

Under the full service contracts, CSD provides services for the following utility companies:

1. City of Healdsburg
2. City of Santa Clara
3. Modesto Irrigation District (MID)
4. Sacramento Municipal Utility Department (SMUD)
5. Sierra Pacific Power Company (SPPCo)
6. Sacramento County Sanitation District (SLRAP)

CSD entered into contracts with SMUD, SPPCo., City of Healdsburg, City of Santa Clara, and Modesto Irrigation District (MID), to provide verification of eligibility services for the 15-30 percent discount in coordination with HEAP. These public/private partnerships Reduced Rate Programs (RRP) generate the following benefits:

- a. The coordination of the State's HEAP outreach efforts with the utilities' marketing of HEAP, CARE and other low-income energy assistance programs have enabled CSD to significantly

increase the HEAP service provision to income eligible clients (the "working poor").

b. Because the mechanism for certification of eligibility is already in place, CSD provides the service at a minimal cost to the utilities and minimizes possible fraud and abuse within the RRP.

c. The 15-30 percent discount provided within CARE represents accountable leveraged activity as provided in the Department of Health and Human Services Final Rule.

CSD provides verification of eligibility for a sewer life-line program offered through SLRAP. Depending on location within Sacramento County, applicants could receive either a \$5.00 per month discount or a one-time a year cash rebate of \$60.00 issued by Sacramento County.

Customers who are interested in receiving the CARE discount can contact either CSD, or their utility company, to request a copy of the application. Intake for HEAP is provided at the local level through the use of CSD's LIHEAP contractor network (community services agencies), which also provides weatherization services.

CSD has written agreements with Pacific Gas & Electric, Southern California Gas, Southern California Edison, and San Diego Gas & Electric, for the purposes of ensuring coordination and referrals between CSD's Home Energy Assistance Program and the utility companies' California Alternate Rates for Energy (CARE) program. Both programs provide a form of energy assistance to low-income customers. It is mutually agreed that both parties will assist in the referral of their customers to the other energy assistance program through written and/or verbal advertising of the program.

The eligibility criteria for both programs are based solely on income eligibility and the guidelines are specific to each program. HEAP and CARE are similar and assistance for either program is limited to eligible low-income households.

The levels of assistance for each program vary according to their respective program. HEAP assistance levels are determined by: the amount of Federal funding; the number of persons in the household; the applicant's geographical location; and the household's income. The CARE program offers a 15-30 percent reduction off the applicant's monthly gas/electric costs or charges.

Both programs are operated year-round. HEAP provides one time assistance, per household, per program year. Applicants must reapply annually. Depending on the utility company, CARE provides a continuous rate reduction throughout the year with the applicant re-certifying biennially, and/or annually.

Both programs are integrated/coordinated through the written/verbal referral of applicants/customers to the opposite program. Both programs have printed on their applications, or on the literature accompanying the application, the name and telephone number of the other program. In addition, marketing and outreach efforts are undertaken by both programs through the use of flyers, application/bill inserts, posters, and newsletters to promote participation of both programs.

The Community Services Agencies utilize the new California LIHEAP Automated Services System (CLASS) and/or Verification Certification Services II (VCSII) to process HEAP applications for assistance. Once an application is processed and determined eligible, CSD provides SPPCo., SMUD, City of Healdsburg, City of Santa Clara, SLRAP, and MID, computer discs or computer printouts each week containing a listing of all applicants determined eligible for the discount rate. The utility company then applies the 15-30 percent discount to the eligible customers' accounts.

CSD also maintains toll-free "800" telephone lines for use by applicants to inquire about the LIHEAP and utility sponsored low-income discount programs. The rate discount is a non-federal resource which benefits federally qualified low-income households, as described in Section 2605(b)(2) of Public Law 97-35. The discount is both measurable and quantifiable. The above contracting utilities maintain detailed records on the number of utility customers on RRP, as well as, the actual amount of the discount per eligible customer. The discount represents a net addition to the total home energy resources available to low-income households and is coordinated and integrated with the LIHEAP/HEAP Program.

CSD anticipates entering into an agreement covering the same integrated/coordinated services with both Southern California Edison Company and Southwest Gas.

### **CRISIS COMPONENT:**

#### **ENERGY CRISIS INTERVENTION PROGRAM (ECIP)**

There are a number of leveraging activities occurring within HEAP/ECIP, which is administered through a network of community action agencies and community-based organizations throughout the State.

A number of CSD's LIHEAP service providers coordinate HEAP/ECIP with the Pacific Gas & Electric Company (PG&E)/Salvation Army REACH Program. The REACH Program is similar to HEAP/ECIP in that it provides utility payments on behalf of eligible low-income households within the PG&E service area and is funded with ratepayers' money. In fact, prior to receiving REACH assistance, the customer must first apply for LIHEAP. REACH eligibility is similar to HEAP/ECIP.

Several of CSD's LIHEAP service providers administer HEAP/ECIP in conjunction with REACH by coordinating an HEAP/ECIP payment with a REACH payment for each LIHEAP-eligible household. In most cases, the HEAP/ECIP payment alone is not enough to avoid a utility shut-off, but with the additional REACH payment, shut-off is avoided.

Other LIHEAP service providers HEAP/ECIP programs work in direct conjunction with REACH by maintaining ongoing communication with the local REACH office to screen potential clients and coordinate benefits. Applicants to both programs are screened to determine if any benefits have already been received by the applicant from either source. References to this working relationship are found in the operating manuals of both programs.

The City of Riverside, United Way, American Red Cross, Southern California Edison Company, Southern California Gas Company, and Sierra Pacific Power Company, also provide funds to several of CSD's LIHEAP service providers for payments to utility providers on behalf of LIHEAP-eligible households and for energy repairs to heating and cooling units.

City and County funded energy assistance contracts are also provided to several of CSD's LIHEAP service providers throughout California. The cities and counties provide these funds for utility deposits and utility bill assistance payments to utility companies on behalf of LIHEAP-eligible households.

To ensure that low-income households have year-round access to energy assistance and that the greatest number of low-income households receive assistance, local agencies have coordinated the services provided under LIHEAP with local private and public energy assistance programs. The coordination of these programs enables the local agencies to expand emergency services to families who otherwise would not receive assistance through LIHEAP due to insufficient funds.

Donations of cords of firewood are being made to several LIHEAP service providers. These donated cords of wood have been coordinated and integrated with the HEAP/ECIP Program. The distribution of donated wood is determined by the HEAP/ECIP Intake Worker. The wood is allocated to HEAP/ECIP eligible households either to supplement fuel payments made with State LIHEAP funds or to provide fuel to eligible households who are not otherwise assisted due to a lack of LIHEAP funds.

ECIP funds can also be used for furnace repair or replacement. Many of CSD's LIHEAP service providers receive discounts on furnace purchases which are installed in LIHEAP-eligible homes. Savings from the discounts allow for additional eligible households to receive ECIP assistance.

In addition, several of CSD's LIHEAP service providers receive discounts for services rendered. Specifically, vendors waive service-call fees for the repair and replacement of heating units and reduced labor charges for the installation of furnaces.

### **WEATHERIZATION**

There are many countable leveraging activities occurring within the LIHEAP Weatherization Program. Several of CSD's LIHEAP service providers are provided funds through contracts with private and municipal utility companies, as well as City and County funded contracts to weatherize LIHEAP-eligible households. Some of the sources of these leveraged cash resources are Pacific Gas and Electric Company, Sacramento Municipal Utility District, Sierra Pacific Power Company, Southern California Gas Company, Southern California Edison Company, San Diego Gas and Electric Company, Southwest Gas Company, Pacific Power and Light Company, City of Berkeley, City of Riverside, Modesto Irrigation District and City and County funded contracts. Because cash resources are administered by the same agencies that provide LIHEAP weatherization services, these funds allow for the weatherization of more LIHEAP eligible households than is possible with LIHEAP funds alone. In addition, utility companies utilize a bid process to identify administering agencies. CSD LIHEAP-funded agencies are successful in the bid process largely due to their experience in providing weatherization services under the LIHEAP Program and because they are a known entity within the low-income community.

Some LIHEAP-eligible households may have their gas appliances and/or evaporative coolers repaired or replaced by the Energy Coalition, or Pacific Gas and Electric Company if they also qualify under that utility company's program. This resource is coordinated with LIHEAP because eligible households are identified as needing repairs or replacement of appliances during the time the dwelling is assessed for LIHEAP weatherization services.

Pacific Gas and Electric Company, Southern California Gas Company, Southern California Edison Company, and Southwest Gas Corporation and the Energy Coalition provide for the purchase and installation of appliances and the donation of space heating devices and blankets which are used in LIHEAP-eligible dwellings for the purpose of heating or cooling. Additionally, utility companies use a bid process to identify administering agencies. Many CSD LIHEAP service providers are successful in the bid process due to their technical ability honed through years of experience in performing home weatherization services.

Many of CSD's LIHEAP service providers receive discounts on bulk purchases of weatherization materials that are installed in LIHEAP-eligible homes. Savings from the discounts allow for additional eligible dwellings to be weatherized.

Several of CSD's LIHEAP service providers manufacture their own weatherization materials, such as storm windows, solar screens, and cooler covers, at a discounted price. Materials manufactured in-house at cost, enables these agencies to weatherize additional LIHEAP-eligible homes.

Several of CSD's LIHEAP contractors receive discounts for services rendered. Specifically, vendors waive service-call fees for the repair and replacement of heating units and reduce labor charges for installing certain weatherization measures in LIHEAP-eligible homes. Savings from these discounts are utilized to weatherize additional eligible homes.

There are also CSD LIHEAP contractors who contribute corporate cash funds generated from non-federal sources to the LIHEAP Weatherization Program, to weatherize additional homes, provide emergency repairs and for utility bill assistance.

Southern California Gas Company, Southern California Edison, Pacific Power and Light, Southwest Gas Corporation, Modesto Irrigation District, and Pacific Gas and Electric Company provide funds to conduct post-inspections of weatherization measures installed by LIHEAP service providers. These inspections required by the LIHEAP Program to ensure the correct and safe installation of weatherization materials.

Volunteers assist LIHEAP service providers in the installation of weatherization materials in LIHEAP eligible households.

Several LIHEAP service providers secure private and utility company funding to install, replace and/or repair smoke/fire alarms/carbon monoxide detectors in LIHEAP-eligible dwellings, when necessary for safe operation of a home heating or cooling system that was installed or repaired during weatherization performed with LIHEAP and utility funds.

A few LIHEAP service providers secure donated paid staff services from private entities to assist with the installation of weatherization measures.

Several LIHEAP service providers have secured property management companies and/or private landlords to provided minor home repairs as a pre-requisite for the installation of weatherization measures. In addition, property management companies and/or private landlords donate furnaces, hot water heaters, evaporative water coolers, windows and weatherization materials used to provide additional weatherization measures and to repair walls after the installation of weatherization measures in LIHEAP-eligible households.

**DISTRIBUTION OF LEVERAGING FUNDS**

CSD includes leveraging funds in the base for calculation of maximum State planning and administration costs, but leveraging incentive funds are not used for the costs of planning and administration, or for transfer to other Department of Health and Human Services block grants.

\* Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

statutory  
references

2605(b)  
  
(performance)  
goals and

→ Please describe performance goals and measures planned for the fiscal year. **(This entry is optional.)** N/A

**ADDITIONAL CERTIFICATIONS AND REQUIREMENTS**

Attached are additional certifications required as follows:

- \* **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT)**
- \* **Debarment and suspension certification**, which must be filed by all grantees.
- \* **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: \_\_\_\_\_
- \* One of the new requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

**All Tribes and those territories with allotments of less than \$200,000** need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.

- \* Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106.

## **CERTIFICATION REGARDING LOBBYING**

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ``Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, ``Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **ORIGINAL SIGNED BY LLOYD THRONE**

Signature

Director

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Title

Department of Community Services and Development

Organization

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

### Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

#### Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The

knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

\*\*\*\*\*

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

##### Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which

this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

\*\*\*\*\*

#### Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

## CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

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This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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### Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of

sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

### Certification Regarding Drug-Free Workplace Requirements

#### Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about –
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such

conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted –

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)

Community Services and Development, 700 North 10<sup>th</sup> Street, Sacramento, CA 95814-  
AND All Contractors Statewide

Check if there are workplaces on file that are not identified here.

#### Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

**ATTACHMENT ONE: PUBLIC HEARING COMMENTS AND RESPONSES**

The Public Hearing for the LIHEAP Detailed State Plan Application conducted on August 29, 2006.

**COMMENTS**

**RESPONSES**

No Comments Received

**ATTACHMENT TWO: NOTICES OF PUBLIC HEARING**

- CSD's Website
- Notice mailed to all LIHEAP Contractors
- Public Notice posted in the newspapers:
  - Redding Record Searchlight
  - Sacramento Bee
  - Eastern Group Publications

**ATTACHMENT THREE: HEARING TRANSCRIPT**

- Peters Shorthand Reporting Corporation

**ATTACHMENT FOUR: LIHEAP ESTIMATED HOUSEHOLD REPORT – FEDERAL  
FISCAL YEAR 2006 – LONG FORMAT**

- Estimated Report.

Grantee Name: CALIFORNIA CSD

Contact Person: Jayson Wimbley, Program Manager

Phone: (916) 341-4356

Date: 30-Aug-06

The *LIHEAP Household Report--Long Format* is for use by the 50 States, District of Columbia, and insular areas with annual LIHEAP allotments of \$200,000 or more. This Federal Report provides data on both LIHEAP recipient and applicant households for Federal Fiscal Year (FFY) 2006, the period of October 1, 2005 - September 30, 2006. The Report consists of the following sections: (1) **Recommended Long Format for LIHEAP Assisted Households** and (2) **Recommended Format for LIHEAP Applicant Households**. Data on assisted households are included in the Department's annual *LIHEAP Report to Congress*. The data are also used in measuring targeting performance under the Government Performance and Results Act of 1993. As the reported data are aggregated, the information in this report is not considered to be confidential.

There are two types of data: (1) **required** data which must be reported under the LIHEAP statute and (2) **requested** data which are optional, in response to House Report 103-483 and Senate Report 103-251. Both the *LIHEAP Household Report--Long Format* (the Excel file name is *hhsrptst.xls*) and the instructions on completing the Report (the Word file name is *hhrptins.doc*) can be downloaded in the Forms sections of the Office of Community Services' LIHEAP web site at: [www.acf.hhs.gov/programs/liheap/grantee\\_forms/index.html#household\\_report](http://www.acf.hhs.gov/programs/liheap/grantee_forms/index.html#household_report). The spreadsheet is page protected in order to keep the format uniform. The items requiring a response other areas of the spreadsheet cannot be modified. For example, the number of assisted and applicant households can not be entered. Each total will be calculated automatically for each type of assistance by a formula when the poverty level data are entered.

Do the data below include estimated figures? No  Yes  Mark "X" in the second column below for each type of assistance that has at least one estimated data entry.

**1. RECOMMENDED LONG FORMAT FOR LIHEAP ASSISTED HOUSEHOLDS**

Type of assistance	Mark "X" to indicate estimated data	Number of assisted households	REQUIRED DATA					REQUESTED DATA				
			2005 HHS Poverty Guideline interval, based on gross income and household size					At least one member who is			At least one member who is	
			Under 75% poverty	75%-100% poverty	101%-125% poverty	126%-150% poverty	Over 150% poverty	60 years or older	Disabled	Age 5 years or under	Age 2 years or under	Age 3 years through 5 years
Heating	X	159,865	48,346	23,306	50,856	20,987	16,371	59,244	59,501	32,495	28,672	22,371
Cooling		0										
Winter/year round crisis	X	57,955	24,681	9,588	11,165	5,784	6,737	10,738	19,319	23,955	13,948	16,493
Summer crisis		0										
Other crisis (specify)		0										
Weatherization	X	27,748	9,128	4,534	6,208	3,562	4,316	19,370	7,029	4,579	3,924	7,779

**2. RECOMMENDED FORMAT FOR LIHEAP APPLICANT HOUSEHOLDS (regardless of whether assisted)**

Type of assistance	Mark "x" to indicate estimated data	Number of applicant households	REQUIRED DATA					Income data unavailable
			2005 HHS Poverty Guideline interval, based on gross income and household size					
			Under 75% poverty	75%-100% poverty	101%-125% poverty	126%-150% poverty	Over 150% poverty	
Heating	X	159,865	48,346	23,306	50,856	20,987	16,371	
Cooling		0						
Winter/year round crisis	X	57,955	24,681	9,588	11,165	5,784	6,737	
Summer crisis		0						
Other crisis (specify)		0						
Weatherization	X	27,748	9,128	4,534	6,208	3,562	4,316	

**Note:** Include any notes below for section 1 or 2 (indicate which section, type of assistance, and item the note is referencing):